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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 MARK PICOZZI,

8 Plaintiff,

9 v.

10 CLARK COUNTY DETENTION CENTER,  
11 et al.,

12 Defendants.

Case No. 2:15-cv-00816-JCM-PAL

**AMENDED  
SCHEDULING ORDER**

(Mot. Extend Discovery – ECF No. 118)

13 This matter is before the court on Plaintiff Mark Picozzi's Motion to Extend Discovery  
14 (ECF No. 118), filed February 26, 2018. This Motion is referred to the undersigned pursuant to  
15 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice. The court has considered  
16 the Motion and Defendant Amanda Vertner's Non-Opposition (ECF No. 119) and Defendants  
17 Brooks, Hans, Garcia, Razo, and Jolly's Opposition (ECF No. 120).

18 On October 16, 2017, the court set 90 days of discovery for the recently-served defendants  
19 Brooks, Hans, Garcia, Razo, Jolly, and Vertner. Scheduling Order (ECF No. 97).<sup>1</sup> In December  
20 2017, Picozzi asked the court to extend the deadlines. He advised the court he was scheduled to  
21 see two surgeons regarding his rectum and back and he expected the medical reports generated  
22 from these appointments to document his alleged injuries and determine defendant Vertner's  
23 negligence. Defendants opposed the motion noting that Picozzi failed to disclose any expert  
24 witnesses who would be able to opine on the results of his exams, and the time to do so had passed.  
25 The court granted Picozzi's motion finding good cause for an extension. *See* Order (ECF No. 112).  
26 The scheduling order deadlines were extended by approximately 60 days. *Id.*

27 In the current Motion (ECF No. 118), Mr. Picozzi seeks an extension of 120 days to

28 <sup>1</sup> Discovery was not reopened for defendants Coker, Daos, Goins, Hightower, Judd, and Phillips. *Id.*

1 accomplish outstanding discovery as to defendants Brooks, Hans, Garcia, Razzo, Jolley and  
2 Vertner. He states that counsel for defendant Vertner subpoenaed High Desert State Prison and  
3 UMC hospital for his medical records and the parties are waiting for those documents. In addition,  
4 Picozzi is still waiting to be seen by two surgeons for his injuries. Counsel for Vertner does not  
5 oppose the motion but believes the outstanding tasks can be accomplished with a 90-day extension.

6 Defendants Brooks, Hans, Garcia, Razo, and Jolly believe the current discovery deadline  
7 is sufficient and Picozzi has not established good cause to extend the deadlines. *See* Opposition  
8 (ECF No. 120). They argue that Mr. Picozzi should not be rewarded with continual extensions for  
9 baseless discovery when he failed to follow through on appointments with two surgeons, failed to  
10 disclose any expert witnesses that would be able to opine regarding the results of any exams, and  
11 the time to do so has long since passed.

12 The court finds good cause for a short extension of the Amended Scheduling Order's  
13 deadlines. However, the parties are cautioned that any further request for extension will be  
14 scrutinized for a strong showing of compelling circumstances, good cause, and that the parties  
15 could not complete discovery within the extended time allowed despite the exercise of due  
16 diligence.

17 Accordingly,

18 **IT IS ORDERED:**


- 19 1. Plaintiff Mark Picozzi's Motion to Extend Discovery (ECF No. 118) is **GRANTED**.
- 20 2. The following Discovery Plan and Scheduling Order dates shall apply:
  - 21 a. Discovery as to defendants Brooks, Hans, Garcia, Razo, Jolly, and Vertner is  
22 extended until **June 11, 2018**;
  - 23 b. Discovery motions as to defendants Brooks, Hans, Garcia, Razo, Jolly, and Vertner  
24 shall be filed and served no later than **June 25, 2018**;
  - 25 c. The deadline for filing dispositive motions for all parties is extended until **July 11,**  
26 **2018**; and
  - 27 d. A joint pretrial order shall be filed on or before **August 10, 2018**.

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1 e. If dispositive motions are timely filed, the deadline for filing the joint pretrial order  
2 shall be suspended until 30 days after a decision of dispositive motions.

3 f. Absent compelling circumstances, a strong showing of good cause, and that  
4 discovery could not be completed within the extended time allowed despite the  
5 exercise of due diligence, no further extensions will be allowed.

6 Dated this 13th day of March, 2018.

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9 PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE